

HIPAA

Health Insurance Portability and Accountability Act of 1996

What is HIPAA?

- The Health Insurance Portability and Accountability Act (HIPAA) of 1996 included a subtitle¹ designed to improve the efficiency of the health care system by establishing standards for the electronic transmission of certain health information. The Department of Health and Human Services (DHHS) has adopted two final rules to implement HIPAA, and additional final rules are anticipated.²

What has been accomplished?

- August 17, 2000 DHHS adopted a final rule to mandate standards for e-transactions among health plans, health care clearinghouses, and certain health care providers. The rule was effective October 16, and it requires compliance by most providers by October 16, 2002. DHHS published technical amendments concerning the comments to the rule on November 24.³
- December 28, 2000 DHHS adopted a final rule governing standards for privacy of individually identifiable health information and amending two key provision in the August 17 rule.⁴ DHHS adopted technical amendments to the December 28 rule the following day.⁵
- Tommy Thompson, Secretary of DHHS, has reopened the comment period on the December privacy rule until March 30, 2001,⁶ but the effective date remains April 14, 2001.⁷

What are the next steps?

ASTHO has established a HIPAA Task Team to analyze the rules, to seek clarification from DHHS when necessary, and to provide guidance to the state health departments concerning implementation of the rules.

What does this mean for states?

HIPAA may significantly affect the manner in which states disclose individually identifiable health information – such as in immunization registries, birth certificates, or death certificates. HIPAA will also eliminate local codes, which have been used by Medicaid to reimburse state and local public health units.

- Consider designating a staff member to participate in state workgroups addressing HIPAA. Public health needs to be "at the table" in these discussions.

¹ The administrative simplification provision is at Title II, Subtitle F, §§ 261-271, 110 Stat. 2034. The provision is codified at 42 U.S.C. §§ 1320d – 1320d-8.

² DHHS published a proposed rule concerning national standard health care identifiers on May 7, 1998 (63 FR 25320); a proposed rule concerning national standard employer identifiers on June 16, 1998 (63 FR 32784); and a proposed rule concerning security and electronic signature standards on August 12, 1998 (63 FR 43241).

³ 65 FR 70507, November 24, 2000.

⁴ 65 FR 82462, December 28, 2000.

⁵ 65 FR 82944, December 29, 2000.

⁶ 66 FR 12738, February 28, 2001.

⁷ 66 FR 12434, February 26, 2001.